

An OSM official admitting that the contractors “did exactly what I told them to do” when completing the draft environmental impact statement. This conflicts with OSM Director Pizarchik’s testimony to the Committee and others who have criticized the work performed by the contractors when completing the draft environmental impact statement.

Unofficial Transcript Provided by Contractor

Transcript Provided by Department of the Interior

OSM 2 11:25	Absolutely. Because right now, I guess allowing long wall mining is not premised on changing stream use under SMCRA. Now, clean water act people would have a heart attack if they saw that, but under us, we wouldn't be regulating it. So, absolutely.
OSM 1	But, I think the clarification of what material damage means, that is creating a national definition that focuses on that change in stream use and in groundwater designated use may have the effect of, in some places, preventing long wall mining.
Contr. 1	This was the whole basis for that disingenuous letter, which is, I've got out on the wall. Because, again, we mentioned Kentucky includes the shadow area as part of the permit. And the reason for the debate, John, was if our permit's going to be denied if we cause material damage off-permit we'll just permit the stream. And Bill went, the mysterious Bill went through the roof. And we got, I think Nancy signed the letter, I'm not sure who drafted it, but we got accused of being disingenuous. But, the reason for the argument was that, we were told, the law won't permit, would not be issued if it caused material damage off permit. So we said, easy, we'll keep the stream on the permit. And I'm telling you Brent, that was a debate, we thought that was put to bed. Now, what you're saying makes much more sense, I've got to tell you. But, you have to understand, OSM has to understand, we have done an analysis based on what we were instructed to do.
OSM 113:03	Well, and I will tell you, and I'm sorry (unintelligible), I will tell you that the most common phrase I have uttered in the last month and a half is they did exactly what I told them to do.
Unknown	We did.
OSM 1	And, you know, there, that is key. I have applied my professional judgment, which has been questioned, but that is the key. And, you know, I think as Dianne was saying now the idea is let's figure out how we get to where the powers that be want to go.
OSM 2 14:08	But just to sort of sum up subsidence, you know there are two standards, right? You minimize impacts to the hydrologic balance in a permit area and if you're outside the permit area your regulatory standards prevent hydrologic impacts to the material, that cause material damage to the hydrologic balance. So, therefore, I think what you're saying is that someone would say, O.K. how much (unintelligible) the stream if there's a different standard. The inside the permit boundary is minimized, the outside (unintelligible). I'm just going to redraw that line. And then I'll have some regulatory relief.

>> Absolutely, because right now the I guess [REDACTED]

>> Absolutely.

>> Yeah [REDACTED]

>> See this was the whole basis for [REDACTED]

>> [REDACTED]

>> okay. But [REDACTED]

>> I'll tell you, sorry to interrupt.

>> I know.

>> I will tell you that the most common phrase I have uttered in the last month and a half is [REDACTED]

>> we did.

>> And you know that is key [REDACTED]

>> But just sort of to sum up this aside, [REDACTED]

[REDACTED]

>> [REDACTED]

[REDACTED]

>> [REDACTED]